

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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ANTHONY SHARP,

Plaintiff,

v.

Case No. 07-C-0455

FJA CHRISTIANSEN ROOFING CO. INC.,

Defendant.

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**ORDER**

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On May 21, 2007, plaintiff Anthony Sharp, who is proceeding pro se, commenced this action asserting a claim against the defendant under the Americans with Disability Act. 42 U.S.C. § 12101, et seq. The plaintiff was granted leave to proceed in forma pauperis on July 2, 2007. The parties subsequently consented to United States magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c) and Civil Local Rule 73.1 (E.D. Wis.).

On September 11, 2007, the defendant filed a motion to dismiss with an accompanying memorandum of law and declaration of Kristi Nelson Foy. The plaintiff was also provided a copy of the relevant rules as required by Civil Local Rule 56.1. The court records indicate that a copy of the motion and supporting documents were mailed to the plaintiff on September 11, 2007. Under the applicable procedural rules, the plaintiff's response to that motion should have been filed on or before October 11, 2007. The court records show that to date the plaintiff did not file any response to the motion.

Briefing schedules are set forth in Civil Local Rule 7.1 (E.D. Wis.). The parties are expected to comply with the procedures and dates specified in the rule without involvement

of the court. Although the plaintiff did not file a timely response, the court will allow him to file a response to such motion on or before November 16, 2007. The plaintiff is reminded that he is required to serve a copy of all submissions in his case on counsel for the defendant.

The plaintiff is hereby advised that if he fails to file any response to the defendant's motion by November 16, 2007, his action may be dismissed with prejudice for lack of diligence in prosecuting this action pursuant to Civil Local Rule 41.3 (E.D. Wis.) (copy enclosed).

**NOW, THEREFORE, IT IS ORDERED** that the plaintiff's responsive brief to the defendant's motion to dismiss shall be filed no later than **November 16, 2007**. A copy of the brief must also be served upon counsel for the defendant.

**IT IS FURTHER ORDERED** that the defendant's reply brief shall be filed no later than **December 3, 2007**.

Dated at Milwaukee, Wisconsin, this 16th day of October, 2007.

BY THE COURT:

s/Patricia J. Gorence  
PATRICIA J. GORENCE  
United States Magistrate Judge

### **Civil L.R. 41.3 Dismissal for Lack of Diligence**

Whenever it appears to the Court that the plaintiff is not diligently prosecuting the action, the Court may enter an order of dismissal with or without prejudice. Any affected party can petition for reinstatement of the action within 20 days.